

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEFINA SAMARIO CRUZ,

Plaintiff,

v.

No: 1:14-cv-0311 GBW/SCY

FRANCISCO PEREZ *et al.*,

Defendants.

**ORDER ADOPTING IN PART AND MODIFYING IN PART
JOINT STATUS REPORT AND PROVISIONAL DISCOVERY PLAN AND
SETTING CASE MANAGEMENT DEADLINES**

THIS MATTER came before the Court on a Rule 16 scheduling conference held on July 7, 2014. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan, and after conferring with counsel, the Court adopts the Joint Status Report and Provisional Discovery Plan modified as follows:

- a) Maximum of twenty-five (25) Interrogatories between Plaintiff and Defendants;
- b) Maximum of twenty-five (25) Requests for Production between Plaintiff and Defendants;
- c) Maximum of fifty (50) Requests for Admission between Plaintiff and Defendants;
- d) Maximum of ten (10) depositions by Plaintiff and ten (10) depositions by Defendants; and
- e) Depositions of parties, Rule 30(b)(6) designees and experts are limited to seven (7) hours, and depositions of all other witnesses are limited to four (4) hours, unless extended by agreement of the parties.

The following case management deadlines have been set (150 Day Track):

- | | | |
|----|---|--------------------|
| a) | Deadline for Plaintiff to amend pleadings
or add additional parties: | September 15, 2014 |
| b) | Deadline for Defendants to amend pleadings
or add additional parties: | October 1, 2014 |
| c) | Plaintiff's Rule 26(a)(2) expert disclosure ¹ : | October 6, 2014 |
| d) | Defendants' Rule 26(a)(2) expert disclosure ¹ : | November 4, 2014 |
| e) | Termination date for discovery: | December 4, 2014 |
| f) | Motions relating to discovery to be filed by: | December 24, 2014 |
| g) | Pretrial motions other than discovery motions (including
motions which may require a <i>Daubert</i> hearing) filed by: | January 5, 2015 |
| h) | Pretrial Order: Plaintiff to Defendants by: | February 18, 2015 |
| | Defendants to Court by: | March 4, 2015 |

Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery. A settlement conference has been scheduled for **January 6, 2015, at 9:00 a.m.** An Order Setting Settlement Conference will be entered separately.

IT IS SO ORDERED.


STEVEN C. YARBROUGH

¹ All expert witnesses must be disclosed by this date, but only those who are retained or specifically employed to provide expert testimony must submit an expert report. See Fed. R. Civ. P. 26(a)(2)(B); *Musser v. Gentiva Health Servs.*, 356 F.3d 751 (7th Cir. 2004); *Farris v. Intel Corp.*, 493 F.Supp.2d 1174 (D.N.M. 2007), and *Blodgett v. United States*, 2008 WL 1944011 (D. Utah). Treating physicians testifying as to causation and diagnosis may provide expert testimony under Rule 702 of the Federal Rules of Evidence without providing a report and the other disclosures required under Rule 26, providing they limit "the scope of their opinion testimony to conclusions drawn from their own examination and treatment of the patient." *Jacks v. Regis Corp.*, Civ. No. 99-1391, Memorandum Opinion and Order at 2 (D.N.M. April 2001)(Smith, M.J.); *Sturgeon v. ABF Freight Systems, Inc.*, Civ. No. 02-1317, Memorandum Opinion and Order at 2-4(D.N.M., Jan. 2004)(Browning, J.O.). The parties must have their expert(s) ready to be deposed at the time they identify them and provide their reports.

United States Magistrate Judge